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COURTNEY M. PRICE  
VICE PRESIDENT  
CHEMSTAR

MR 60372  
00274D

American  
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Council *Good Chemistry  
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July 10, 2002

E, - 054

The Honorable Christine Todd Whitman  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RE: Clarification of VCCEP Sponsoring Organization for Benzene, o-Xylene, and m-Xylene

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OPPT NCIC  
2002 JUL 15 AM 11:12

Dear Administrator Whitman:

I am writing to clarify that since the initial VCCEP sponsorship submissions in June 2001, the American Chemistry Council Benzene Team and the American Chemistry Council Toluene & Xylene VCCEP Consortium have combined into one group – the Benzene, Toluene, and Xylene (BTX) VCCEP Consortium (the "Consortium"). The combining of these groups does not alter the original list of sponsoring companies nor does it impact the plans to submit individual assessment for benzene, toluene, and xylene. Andrew Jaques is the technical contact for the new combined Consortium. He can be reached at 703-741-5627 or at [Andrew.Jaques@americanchemistry.com](mailto:Andrew.Jaques@americanchemistry.com), if you have any questions regarding the Consortiums' VCCEP activities.

Sincerely yours,

cc: U.S. EPA, Document Control Office (7407)  
Office of Pollution Prevention and Toxics

Stephen Johnson, Assistant Administrator  
Office of Prevention, Pesticides and Toxic Substances

Charles Auer, Director  
Chemical Control Division  
Office of Pollution Prevention and Toxics

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OPPT NCIC  
2002 JUL 23 PM 3:46



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VICE PRESIDENT  
CHEMSTAR

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OPPT 011

JUN 25 2001

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E-011

3pp

June 25, 2001

**BY HAND**

The Honorable Christine T. Whitman  
Administrator, U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

RE: OPPTS-00274D; Voluntary Children's Chemical Evaluation Program,  
65 Fed. Reg. 8 1699. December 26, 2000

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OPPT NCIC  
2001 JUN 27 PM 3:10

Dear Administrator Whitman:

The American Chemistry Council Benzene Team (Team) is submitting this letter to indicate its commitment to sponsor benzene in Tier 1 of EPA's pilot Voluntary Children's Chemical Evaluation Program (VCCEP). Sponsoring companies include: ATOFINA Petrochemicals, Inc.; BP Amoco Chemical Company; Chevron Phillips Chemical Company; The Dow Chemical Company; DuPont; Equistar Chemicals; ExxonMobil Chemical Company; Koch Industries, Inc.; Marathon Ashland Petroleum LLC; Shell Chemical Company; Sterling Chemicals, Inc.; and, Sunoco, Inc.

The following table provides the information regarding the sponsored chemical.

**Sponsored Chemical for VCCEP Pilot – Tier 1**

Chemical	CASRN	Start Date*	Submission Date**
Benzene	71-43-2	12-15-01	6-30-02 to 12-15-02

\* The start date is intended to allow Team members to attend EPA-sponsored workshops on exposure requirements before undertaking significant efforts in that area. We understand that EPA currently contemplates workshops extending into the fall of this year.

\*\* A range is stated because of uncertainties concerning the requirements of the program, particularly as they pertain to exposure information. The **timeline** also will depend on the amount of exposure information available from other sources and the time required to obtain that information. See previous note and additional explanation in this commitment letter.

The Team understands that sponsoring benzene in Tier 1 of the VCCEP pilot means that the Team and its member companies have made a voluntary commitment to provide hazard and exposure data on benzene, consistent with the requirements of Tier 1 of the pilot program. As recognized in EPA's announcement of the pilot program,



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commitments are not enforceable agreements or contracts. In making this commitment, the Team and its members agree to:

- Develop a Hazard Assessment of Tier 1 studies (existing and new studies as needed) and existing higher tier hazard studies.
- Develop an Exposure Assessment, Risk Assessment, and a Data Needs Assessment.
- Prepare a Peer Consultation Document and provide three hard copies and an electronic copy to EPA.
- Make a good faith effort to start and finish all work in a timely manner and within the time period specified.
- Make the above-mentioned Tier 1 documents on hazard and exposure data provided under this program publicly available.
- Judge existing hazard studies not conducted per Good Laboratory Practices (GLPs) guidelines based on their merits.
- Generate any new hazard data using GLPs and current test guidelines as of the date the testing is conducted.
- Cooperate with other potential benzene sponsors in performing the tasks described above.

The Team has a number of questions and concerns pertaining to the exposure information that EPA expects to receive at Tier 1 of the pilot program. Many of these questions we hope will be addressed in the workshops that EPA intends to sponsor. One issue, however, warrants mention now. In the case of benzene, most (and perhaps virtually all) of the potential exposures to children pertain to activities unrelated to the manufacture, processing, use or disposal of benzene as a discrete (Class 1) chemical substance. Other sources include automotive gasoline and other combustion sources, exposure from products containing benzene in a complex mixture (e.g., gasoline and other Class 2 substances), and exposure from natural sources, (e.g. combustion emissions, biogenic sources).

Based on comments made by Mr. Steve Johnson to the American Chemistry Council on May 11, 2001 and in Mr. Johnson's letter of June 22, 2001 to Ms. Sandra Tirey of the American Chemistry Council, it is the Team's understanding that EPA does not expect Class 1 producers to submit exposure data pertaining to activities that are outside their control, such as those activities identified for benzene in the preceding sentences, beyond readily available public information for Tier 1. This is a critical point. Although while Team members intend to cooperate in good faith, they cannot fairly be expected to provide data and information that are beyond their capacity to generate or provide.

The Team will seek the cooperation of Class 2 producers, and would certainly welcome their participation in the pilot program. The cooperation of Class 2 producers may be an important factor in any decision to sponsor benzene under the pilot beyond Tier 1.

Also, it is the Team's understanding that EPA intends to hire a credible third-party contractor to conduct the Peer Consultation Process and that this will be an independent scientific review. We urge the Agency not to deviate from that plan.

The technical contact for this activity is:

Courtney M. Price  
Vice-President, CHEMSTAR  
American Chemistry Council  
1300 Wilson Blvd.  
Arlington, VA 22205  
Phone: 703-741-5600  
Fax: 703-741-6091  
E-mail: [courtney\\_price@americanchemistry.com](mailto:courtney_price@americanchemistry.com).

Please contact me if you have any questions regarding this commitment.

Sincerely yours,

Courtney M. Price  
Vice-President, CHEMSTAR

cc: OPPT Document Control Office  
Mr. Stephen L. Johnson, US EPA OPPT  
Mr. William H. Sanders, US EPA OPPT  
Ms. Mary Ellen Weber, US EPA OPPT  
Mr. Charles M. Auer, US EPA OPPT  
Benzene Team

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COURTNEY M. PRICE  
VICE PRESIDENT  
CHEMSTAR

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VIA HAND DELIVERY

June 25, 2001

The Honorable Christine T. Whitman  
Administrator  
U.S. Environmental Protection Agency  
Ariel **Rios** Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RECEIVED  
OPPT 1000  
2001 JUN 27 PM 3:11

RE: OPPTS-00274D; Voluntary Children's Chemical Evaluation Program (VCCEP)

Dear Administrator Whitman:

The American Chemistry Council Toluene & Xylene VCCEP Consortium<sup>1</sup> is responding to the notice published in the December 26, 2000, *Federal Register* (FR) announcing the pilot of the Voluntary Children's Chemical Evaluation Program (VCCEP). The Consortium will sponsor the following chemicals:

**Sponsored CAS Numbers for VCCEP Pilot – Tier 1**

Chemical	CASRN	Start Date
Toluene	108-88-3	12-24-01
o-Xylene	95-47-6	12-24-o 1
m-Xylene	108-38-3	12-24-o 1

We understand that sponsoring these chemicals in Tier 1 of the VCCEP pilot means that the Consortium and its member companies have made a voluntary **commitment** to develop hazard and exposure data, consistent with the requirements of Tier 1 of the pilot program. As recognized in EPA's announcement of the VCCEP pilot, commitments are not enforceable agreements or contracts. If for any reason this voluntary initiative will

<sup>1</sup> The companies participating in the Toluene & Xylene VCCEP Consortium are: ATOFINA Petrochemicals, Inc., BP, Chevron Phillips Chemical Company LP, E.I. du Pont de Nemours & Co., **ExxonMobil** Chemical Company, Koch Petroleum Group L.P., Marathon Ashland Petroleum LLC, Shell Chemical Company, Sterling Chemicals, **Sunoco**, Inc.



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not be undertaken by the Consortium then any expressed or implied commitment to Tier 1 of the VCCEP will devolve to the manufacturers and importers of the relevant chemicals.

The Consortium has several concerns with the Program that are discussed below. We hope to resolve these with the Agency as we move forward with this voluntary initiative.

### Timing

The Consortium has several concerns regarding the proposed timing for materials developed under Tier 1. The four months allowed for the development of an exposure and/or a risk assessments (Section III., Paragraph V., FR ) is insufficient given the extensive available toxicology and exposure data for these chemicals. Since this is the pilot phase of VCCEP, it is also likely that **further** refinements and clarifications to the Program may occur, especially since EPA is still in the process of scheduling the VCCEP exposure workshops, the results of which will be important to the exposure assessments that are to be completed for Tier 1. Because of these timing concerns, the Consortium is unable to provide a submission date as requested in the FR notice. We will, however, make every effort to develop the Tier 1 submissions in a timely fashion. We are available to meet with Agency staff to develop a realistic schedule for completion.

### Special Concerns Regarding Sources of Exposure to Hydrocarbons

Most of the hydrocarbons on the VCCEP pilot list raise the special concern that there are a number of potential sources of exposure outside of the "chain of commerce" of the neat chemical. These sources are disparate and include things such as **fuels**, combustion products and even cigarette smoke. The Consortium is concerned that it may be virtually impossible to collect exposure data **from** all sources, especially those outside the direct chain of commerce.

Steve Johnson addressed this concern at a meeting at the American Chemistry Council on May 11, 2001. Based on his comments, it is our understanding that EPA will not require producers to develop additional exposure data, beyond what is readily available, for sources of exposure outside the chain of commerce for neat toluene and xylenes.

The Consortium is also concerned that exposure sources outside the chain of commerce may drive the need for additional toxicology and/or exposure data beyond Tier 1. If industries responsible for these exposures do not participate in VCCEP, this may lead to serious equity issues within the Program. While the Consortium is committed to VCCEP Tier 1, it would like to identify this issue to the Agency as a potential impediment to volunteering for Tier 2 or 3 should the Peer Consultation Group recommend this action.

### Peer Consultation Process

The Consortium volunteers with the understanding that EPA intends to hire a credible third-party contractor to conduct the Peer Consultation Process, which will be an independent scientific review.

### Xylenes as a Category

The Consortium has reviewed EPA's discussion regarding the treatment of xylenes as a category under the VCCEP pilot (65 FR 8 1704) and the potential inclusion of mixed xylenes (CASRN 1330-20-7) and p-xylene (CASRN 106-42-3), which are not on the VCCEP pilot list. The Consortium will consider this option during its review the existing information on xylenes and will inform the Agency if it decides this is appropriate.

### Summary

In summary, the Consortium will sponsor toluene, m-xylene and **o-xylene** under Tier 1 of the VCCEP pilot. The Consortium has concerns about timing and is unable to provide a submission date. Rather, we would like to discuss the development of an appropriate **timeline** with the Agency. The Consortium hopes that the Agency understands the concerns regarding exposures outside the chain of commerce and the role this issue may play in the Program, especially for chemicals like toluene and xylenes. Finally, the Consortium strongly encourages EPA to move quickly to hire a contractor to conduct the Peer Consultation and to ensure that this is a science-based review process.

The technical contact for this activity is Andrew Jaques, Toluene & Xylene VCCEP Consortium Manager. He can be reached at 703-741-5627 (phone), 703-741-6091 (fax) or Andrew-Jaques@americanchemistry.com. Please contact Mr. Jaques if you have any questions regarding this commitment.

Sincerely yours,

Courtney M. Price,  
Vice-President, CHEMSTAR

cc: U.S. EPA, Document Control Office (7407)  
Office of Pollution Prevention and Toxics

Toluene & Xylene VCCEP Consortium

June 25, 2001

Page 4

cc: Stephen Johnson, Assistant Administrator  
Office of Prevention, Pesticides and Toxic Substances

Charles Auer, Director  
Chemical Control Division  
Office of Pollution Prevention and **Toxics**

Toluene & Xylene VCCEP Consortium Members